IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

Crl.MC.No. 674 of 2007()

CC.333/2006 of JUDL. MAGISTRATE OF FIRST CLASS-III, KOZHIKODE

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PETITIONER:

SHAFEENA, AGED 20 YEARS,
D/O BASHEER, KOLLAMKANDI KUNIYIL,
NADUVALLUR AMSOM, RAMALLUR DESOM,
KOZHIKODE TALUK.

BY ADV. SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)

RESPONDENTS:

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1. RAHOOF(RAUF), AGED 28 YEARS,
S/O ONGORA ABDULLA, VADAKKE KUNIYAM PARAMBA,
CHEEKKILODE AMSOM AND DESOM,
KOZHIKODE TALUK.

2. STATE OF KERALA, REP. BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.A.KRISHNAN
R1 BY A.KRISHNAN
PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.674 of 2007

Dated this the 13th day of March, 2007

ORDER

The petitioner is the defacto complainant in a prosecution for offences punishable, inter alia, under Section 498 A I.P.C. Proceedings were initiated on the basis of a private complaint filed by the petitioner, copy of which is produced as Annexure-2. The same was referred to the police under Section 156(3) Cr.P.C. After investigation, final report was filed and cognizance taken against the 1st respondent herein as also the 3 others who are shown as accused in the complaint, it is submitted. The petitioner has now come before this Court with the prayer that C.C.333 of 2006, the case registered against the petitioner and 3 others, may be quashed invoking the powers under Section 482 Cr.P.C.

2. The learned counsel for the petitioner Sri.Manjeri Sunder Raj submits that the petitioner has amicably settled her dispute with her husband, the 1st respondent herein and his relatives-accused 2 to 4, who have not been arrayed as parties in this petition. The learned counsel for the petitioner vouches for the signature of the petitioner in Annexure-3 agreement as also the joint statement filed by the petitioner and the 1st respondent. The said joint statement has been duly counter signed by the counsel for the petitioner also.

3. I am satisfied from the submissions made at the Bar that the petitioner has settled her disputes with her husband-the 1st respondent as also the other co-accused, who have not been shown as parties in this Crl.M.C. I accept the submission of the counsel for the petitioner and conclude that there has been an amicable settlement of the dispute between all the accused in C.C.No.333 of 2006 and the petitioner herein.

4. The offence under Section 498 A I.P.C is not compoundable. But the counsel rely on the decision in **B.S.Joshy v. State of Haryana** [A.I.R (2003) S.C 1386]. The interests of justice may at times transcend the interest of mere law and in such circumstances, this Court is at liberty to invoke its powers under Section 482 Cr.P.C in the interests of justice. This, I am satisfied, is an eminently fit case, where resort to such course can be made.

5. In the result:

i) This Crl.M.C is, allowed.

ii) C.C.No.333 of 2006 pending before the Judicial Magistrate of the First Class-III, Kozhikode against the 1st respondent and all other accused is hereby quashed.

(R.BASANT, JUDGE)

rtr/-